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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Information presented by the Equality and Human Rights Commission of Azerbaijan*.

Note by the Secretariat

The Secretariat of the Human Rights Council hereby transmits the communication submitted by the Equality and Human Rights Commission of Azerbaijan,** reproduced below in accordance with rule 7(b) of the rules of procedures described in the annex to Council resolution 5/1, according to which participation of national human rights institutions is to be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005.

* National human rights institution with "A"-status accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

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Annex

[English only]

Information presented by the Commission for Human Rights (Ombudsman) of the Republic of Azerbaijan by Prof. Elmira Suleymanova for the 25th Session of the Human Rights Council.

The thematic panel dedicated to the sixty-fifth anniversary of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide

The Nagorno Karabakh conflict became as one of the most tragic conflicts in the history of XX century and acts of genocide were committed by Armenians against population of Khojaly and other districts of Azerbaijan.

The legal definition of the Genocide is found in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). Article 2 of this Convention defines genocide as "any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; [and] forcibly transferring children of the group to another group".

In spite of that Armenia ratified this Convention, but it does not fulfill the norms of this document and other international treaties. All of the above mentioned were applied in Khojaly events. As known in 1988 the territorial claim of Armenia to Azerbaijan, resulted with a loss of twenty percent of Azerbaijani territories, including the Nagorno Karabakh and seven surrounding districts. As a result about one million of the Azerbaijan civilians became refugees and IDPs. Resolutions, passed by United Nations Security Council (822, 853, 874, 884 numbered), which demand unconditional liberation of the occupied territories, are not fulfilled by Republic of Armenia till now.

At the night from February 25th to 26th of 1992, Armenians grounded and exposed Khojaly, historical and ancient settlement of Azerbaijan, to heavy shooting to the habitants-elderly persons, women and children mercilessly. Armenians with the support of military equipment and personnel of the 366th moto-artillery regiment of the Soviet Army stationed in Khankendi committed genocide – the most terrible tragedy unseen in the history against of mankind. The town of Khojaly surrounded from 4 sides was under artillery fire for several hours and then the Armenians entered to the town and burned it. That freezing winter night when the peaceful population that managed to escape from the town trying to save their lives were unexpectedly and unawares exposed to fire attaks and killed in an ambush set beforehand on the road between Agdam and Askeran.

During this event 613 peaceful Azerbaijanis, including children, women and elderly have been killed with special cruelty. 8 families have been completely annihilated, 1275 inhabitants – were taken hostages and subjected to extreme insults and tortures. The destiny of 150 hostages, including 68 women and 26 children remains unknown till now. The executioners scalped the killed people, cut out their bodies, pricked out eyes, ripped up stomachs of pregnant women, buried alive or burnt people. The Khojaly tragedy became

new bloody page of the genocide and the ethnic cleanse carried out by brutal Armenian nationalists against Azerbaijanis in last hundred years.

"The Action Plan on 22nd Anniversary of the Khojaly Genocide" was approved, under which press conferences, commemorative ceremonies, issuing the materials on Khojaly massacre in foreign and local mass media, teleradio channels and on the internet pages, devoting the first lessons in educational facilities to the Khojaly massacre.

West Virginia State's House of Representatives (USA) passed a resolution on the Khojaly tragedy. This Resolution commemorates that Khojaly tragedy is a part of the military aggression carried out by Armenian military troops in Nagorno Karabakh region of Azerbaijan since 1988. Earlier, legislative bodies of other States of the US such as California, Massachusetts, Texas, New-Jersey, Maine, New Mexico, Arkansas, Georgia, Oklahoma, Tennessee, Pennsylvania, Connecticut, Florida and Mississippi had also passed the related resolutions and demanded subjecting of perpetrators of Khojaly massacre to the criminal responsibility.

Already, the Parliaments of Canada, Mexico, Columbia, Peru, the Republic of Pakistan, Bosnia and Herzegovina, Romania, the Czech Republic and Jordan also recognized the Khojaly genocide.

It were taken a number of actions by the Commissioner for Human Rights of the Republic of Azerbaijan on Khojaly genocide. There were addressed the statements about the serious violations of human rights and humanitarian law to the United Nations, Organization for Security and Cooperation in Europe, Council of Europe, European Union, Organization of the Islamic Conference, Commonwealth of the Independent States, and other international organizations and governments of the world countries calling them to recognize the Khojaly genocide and condemn those perpetrators take effective measures to prevent such crimes in the future, and assist in a peaceful resolution of the Armenia-Azerbaijan, Nagorno-Karabakh conflict on the basis of the norms and principles of the international law, including the principle of territorial integrity of states.

Expressing the sovereign will of the people, the Commissioner states once again that the Republic of Azerbaijan will never agree with violation of sovereignty in its territory and occupation of its lands, serious violations of human rights and will use all possible means to restore its territorial integrity, and achieve international political and legal assessment of the Khojaly tragedy and punishment of its ideologists, organizers and performers of this act of genocide.

The Commissioner also attended international conference dedicated to the 20th anniversary of Khojaly genocide and organized by the Embassy of Azerbaijan in Hungary together with Budapest Foundation for the International Prevention of Genocide and Mass Atrocities. During the event a group of Parliamentarians of Hungary supported justified position of Azerbaijan.

We urge the international organizations to recognize Khojaly tragedy as an act of genocide in compliance with the international legal norms and principles. The territorial integrity of Azerbaijan must be restored, the Azerbaijani captives and hostages shall be liberated, violated rights of refugees and IDPs shall be restored and they must be returned to their homes.